

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Richard Mayfield,	)	C/A No. 0:10-1203-JFA-PJG
	)	
Petitioner,	)	
	)	
v.	)	ORDER
	)	
Leroy Cartledge,	)	
	)	
Respondent.	)	
_____	)	

On November 30, 2010, this court denied the petitioner’s §2254 petition and granted the respondent’s motion for summary judgment. In a footnote to that order, the court indicated that it “declined” to issue a certificate of appealability because the petitioner had not made a substantial showing of a denial of a constitutional right under 28 U.S.C. § 2253(c)(2). The court’s intent was to deny the issuance of a certificate of appealability.

On January 3, 2011, the petitioner filed a notice of appeal of the court’s ruling on his § 2254 petition. He also filed a motion for a certificate of appealability. Because the court believed it had previously denied the certificate of appealability, and because an appeal was pending, the motion was transferred to the Fourth Circuit Court of Appeals for consideration.

On January 13, 2011, the Fourth Circuit Court of Appeals remanded the motion for a certificate of appealability to this court for the limited purpose of supplementing the record with an order granting or denying a certificate of appealability. Accordingly, this order is entered to supplement the court’s order of November 30, 2010.

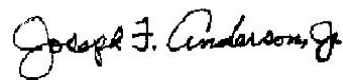
A certificate of appealability will not issue absent “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2) (West 2009). A prisoner satisfies this

standard by demonstrating that reasonable jurists would find both that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. *See Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Rose v. Lee*, 252 F.3d 676, 683 (4th Cir. 2001). In the instant matter, the court finds that the petitioner has failed to make “a substantial showing of the denial of a constitutional right.” For this reason, and for those stated in the court’s order of November 30, 2010, the petitioner’s motion for a certificate of appealability is denied.

In addition, petitioner’s motion for appointment of counsel is denied.

IT IS SO ORDERED.

January 19, 2011  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge